

IN THE MATTER OF THE APPLICATION OF
FRANKLIN SQUARE HOSPITAL FOR A
VARIANCE ON PROPERTY LOCATED ON THE
SOUTHEAST SIDE OF FRANKLIN SQUARE
DRIVE, 220' NE OF LENNING LANE
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 89-66-SPHA

OPINION

This case comes before the Board as an appeal from an Order of the Deputy Zoning Commissioner dated December 8, 1988. The appeal is solely on condition three (3) of that Order.

Condition three of said Order stated that, "Within 120 days of the date of this Order, the existing 29.2 sq. ft. sign shall be reduced to a maximum of 20 sq. ft. total, of which 40" x 30" shall contain the lettering "Kaiser Permanente" and the remaining square footage shall contain only the lettering 9105 White Square Professional Building."

Prior to December 8, 1988 Order's proceedings, there was another zoning hearing on the same subject matter. In that zoning hearing, the Deputy Zoning Commissioner (Jean Jung) granted the request of the Petitioner, and allowed the zoning variance to permit a free-standing illuminated sign of 29.2 sq. ft. in lieu of the permitted 8 sq. ft. sign attached to the building. In granting the variance, the Deputy Zoning Commissioner made several restrictions. Restriction three (3) of that Order required the removal of a Radiation Oncology Center sign that is on the building unless the Petitioner can prove the sign was approved by permit prior to the date of this Order. This Order of the Deputy Zoning Commissioner Jung was dated November 17, 1986.

The Order of November 17, 1986 allowed the Kaiser Permanente, an HMO of Maryland, Virginia and D.C., the sign, but required the removal of the Radiation Oncology Center sign from the building.

Case No. 89-66-SPHA
Franklin Square Hospital

Neither the proof required was provided nor the removal of the Radiation Oncology Center sign as required by the Order of the Deputy Zoning Commissioner dated November 17, 1986 was done, but the Kaiser Permanente sign was erected. Again the Petitioners went before the Deputy Zoning Commissioner, Ann M. Nastarowicz, and it is her Order of December 8, 1988 that is the subject matter of this appeal.

The Appellant/Petitioner was represented by counsel, Michael A. Duff and Robert Hoffman. People's Counsel for Baltimore County was present in opposition to the appeal.

Melvin L. Jeffers, Vice President of Radamerica, Inc., a tenant, testified for the Appellant. He indicated the importance of having the Radiation Oncology Center sign, which consists of 8" illuminated letters mounted on a brick wall, to provide adequate notice to visitors of the center. He further testified that greater than 56% of the people visiting the center are over the age of 65. The people visiting the center are generally very infirm and weak and all are referred by their doctors to Radamerica.

The Professional Building is a large structure with many entrances. Mr. Jeffers feels there is a need to give as much notification as possible to visitors to the center in order to prevent them from parking away from the center and coming in the wrong entrance. Additionally, Mr. Jeffers testified that once inside the Radiation Oncology Center entrance there is a building directory listing the various tenants and their office locations.

The People's Counsel for Baltimore County did not offer any testimony or exhibits, but argued in support of the December 8, 1988 Order of the Deputy Zoning Commissioner.

Case No. 89-66-SPHA
Franklin Square Hospital

In the closing statement, Counsel for the Appellant/Petitioner Robert Hoffman, argued a point never before presented in either of the prior hearings before the Deputy Zoning Commissioners. He argued that the Radiation Oncology Center sign was directional and informational in character and had no advertising aspect and therefore the Radiation Oncology Center sign is permitted as a matter of right under Baltimore County Zoning Regulations Section 413.1.e.3 B.C.Z.R.

413.1 states:

The following signs are permitted in any zone, as limited in Section 413.5, if illuminated they shall be of an enclosed lamp design, non-flashing, containing no colored illumination, and may also be of the reflector type.

e. Directional or information signs of a public or quasi-public nature, not exceeding 15 sq. ft. in area. Such signs shall contain no advertising matter, and shall not be illuminated, but may be of the beaded reflector type. They may state:

(3) Signs -- directional, informational, or warning in character, involving no advertising aspect, and each not exceeding 25 sq. ft. in area.

Mr. Hoffman further argued that the sign was generic in nature, and that visitors to the center are referred by their doctors.

The Board is persuaded by this argument and find that the Radiation Oncology Center sign is permitted as a matter of right under B.C.Z.R. 413.1.e.3.

Therefore, considering all of the testimony, exhibits and arguments, the Board is of the opinion that the Appellants/Petitioners request should be granted and will so order.

ORDER

It is therefore this 18th day of July, 1989, by the County Board of Appeals of Baltimore County ORDERED that the sign does not need to be removed

Case No. 89-66-SPHA
Franklin Square Hospital

as ordered by the Deputy Zoning Commissioner's Order of December 8, 1988 and the existing sign may remain, but all other restrictions of said Order shall be complied with.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

John G. Disney

Arnold G. Foreman

IN RE: PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE - SE/S
Franklin Square Drive, 220'
NE of Lenning Lane
(9105 Franklin Square Drive)
14th Election District
6th Councilmanic District
Franklin Square Hospital
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-66-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the removal of Restriction No. 3 in previous Case No. 87-176-A in which a 29.2 sq.ft., freestanding, illuminated sign was granted, and if approved, a variance to permit two signs totalling 46 sq.ft. in lieu of the one sign of 8 sq.ft. total, attached to the building, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Michael A. Duff, Esquire, appeared and testified. Also appearing on behalf of the Petition was Melvin L. Jeffers, Vice President of RADAMERICA, Inc., a tenant. There were no Protestants.

Testimony indicated that the subject property, known as 9105 Franklin Square Drive, is the site of the White Square Office Building. Previously, the White Square Limited Partnership and Gernar Properties Limited, the then owner of the property, filed a Petition for Zoning Variance, Case No. 87-176-A, requesting permission to place a freestanding, illuminated sign of 29.2 sq.ft. in lieu of the permitted 8 sq.ft. sign attached to the building. Said sign was granted by the then Deputy Zoning Commissioner, Jean M. H. Jung, on November 17, 1986, conditioned upon the removal of all other freestanding signs or signs on the building, including the sign identifying the "Radiation Oncology Center" sign which is the subject matter of this proceeding. Petitioner was advised that all other

signs were to be removed within thirty (30) days of the date of the Order unless proof that prior permits were issued could be provided.

Petitioner has not been able to produce any permits for the aforementioned sign and have therefore requested the instant variance. Mr. Jeffers indicated the importance of having the radiation oncology center sign, which consists of 8" illuminated letters mounted on a brick wall, to provide adequate notice to visitors of the center. Mr. Jeffers testified that greater than 56% of the people visiting the site are over 65 years of age. He further indicated that the patients visiting the center are generally very infirm and weak. The White Square Professional Building is a large structure with multiple entrances. Mr. Jeffers argued that as much notification as possible to visitors of the center was necessary to prevent them from parking long distances away from the center and coming in the wrong entrance. To support Petitioner's request, a picture of the subject building and the proposed sign was introduced by Mr. Jeffers and is identified herein as Petitioner's Exhibit 2. Testimony further indicated that Mr. Jeffers was not aware that the previous Order required the removal of the existing radiation oncology center sign.

Petitioner requested a variance for two signs totalling 46 sq.ft. to be used as follows: 16.7 sq.ft. for "Radiology Oncology Center;" an existing sign of 29.2 sq.ft., of which 100" x 20" will identify "9105 White Square Professional Building" and 40" x 30" will identify "Kaiser Permanente." Petitioner presented no testimony as to the need for the existing 29.2 sq.ft. sign to remain the same size. To insure the spirit and intent of the B.C.Z.R. are met, Petitioner's request shall be modified as set forth below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that the proposed sign, which consists of not greater than 16.7 sq.ft., is necessary. To deny the relief requested for the radiation oncology center sign would result in practical difficulty or unreasonable hardship to visitors to the center. Further, the granting of this request would not result in any detriment to the health, safety and general welfare of the community in which it serves, and in fact, would be to their benefit. However, the issue in this matter further involves the existing 29.2 sq.ft. sign. Petitioner was fully aware that the granting of that sign in Case No. 87-176-A was contingent upon the removal of all other signs on the building. Petitioner proceeded to install the granted sign without removing the existing signs or requesting a modification of the relief granted. In the opinion of the Deputy Zoning Commissioner the

ORDER RECEIVED FOR FILING
Date 8/18/89
By [Signature]

modification of Petitioner's request in this instance as hereinafter set forth is appropriate.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of December, 1988 that the Petition for Special Hearing to approve the removal of Restriction No. 3 in previous Case No. 87-176-A in which a 29.2 sq.ft., freestanding, illuminated sign was granted, and the Petition for Zoning Variance to permit two signs totalling 36.7 sq.ft. in lieu of the one sign of 8 sq.ft. total, attached to the building, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for its sign permit and be granted same upon receipt of this Order; however, petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) One of the signs granted herein is specifically limited to the existing sign attached to the building, totalling 16.7 sq.ft., with the lettering "Radiology Oncology Center."
- 3) Within 120 days of the date of this Order, the existing 29.2 sq.ft. sign shall be reduced to a maximum of 20 sq.ft. total, of which 40" x 30" shall contain the lettering "Kaiser Permanente" and the remaining square footage shall contain only the lettering "9105 White Square Professional Building."
- 4) Prior to the installation of the new 20 sq.ft. sign, a sign drawing shall be submitted to the Deputy Zoning Commissioner for approval.

ORDER RECEIVED FOR FILING
Date 8/18/89
By [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 20, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance and Special Hearing
CASE NUMBER: 89-66-SPHA
SE/S Franklin Square Drive, 220' NE of Lenning Lane
14th Election District - 6th Councilmanic
Petitioner(s): Franklin Square Hospital
Lessee: The White Square Limited Partnership
HEARING SCHEDULED: THURSDAY, SEPTEMBER 15, 1989 at 9:00 a.m.

Variance to permit two signs totalling 46 sq. ft. in lieu of the permitted one 8 sq. ft. sign attached to the building.
Special Hearings to delete restriction No. 3 in Zoning Case 87-176-A in which a 29.2 sq. ft. freestanding, illuminated sign was granted.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. Mel Jeffers
Michael A. Duff, Esq.
Mr. Michael Merson
File
Mr. Willard Hackman

RE: PETITION FOR ZONING VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS
SE/S Franklin Square Dr., 220' : OF BALTIMORE COUNTY
NE of Lenning Lane (9105)
Franklin Sq. Dr.), 14th Election
Dist.; 6th Councilmanic Dist. :
FRANKLIN SQUARE HOSPITAL, : Zoning Case No. 89-66-SPHA
Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 7th day of April, 1989, a copy of the foregoing Entry of Appearance was mailed to Michael A. Duff, Esquire, Venable, Baetjer & Howard, 2 Hopkins Plaza, Baltimore, MD 21201, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
COUNTY BOARD OF APPEALS
APR 22 1989



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

May 12, 1989

Michael Duff, Esquire
1800 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza
Baltimore, Maryland 21201

Re: Case No. 89-66-SPHA
Franklin Square Hospital

Dear Mr. Duff:

Enclosed please find a copy of Bill No. 59-79 which sets out the Rules of Practice and Procedure of the County Board of Appeals.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

3/21/89 -Following notified of hearing set for Friday, June 2, 1989 at 1:00 p.m.:

Michael A. Duff, Esq.
Mr. Michael Merson
Mr. Melvin Jeffers
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann Nastarowicz
James E. Dyer
Robert Clerk -Zoning
Arnold Jablon, Esq.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1424 Date of Posting: 2/15/89
Posted for: 1/22/89
Petitioner: Franklin Square Hospital
Location of property: SE/S Franklin Sq. Drive, 220' NE of Lenning Lane
Location of Sign: 14th Election District, 6th Councilmanic District
Remarks: 29.2 sq. ft. on property of Petitioner
Posted by: J. Robert Haines
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 2, 1989

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SE/S Franklin Square Drive, 220' NE of Lenning Lane
(9105 Franklin Square Drive)
14th Election District, 6th Councilmanic District
FRANKLIN SQUARE HOSPITAL - Petitioner
Case No. 89-66-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case (Zoning Variance only) was filed in this office on January 9, 1989 by Michael A. Duff, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures:

cc: Mr. Michael Merson, President & CEO, Franklin Square Hospital
9000 Franklin Square Drive, Baltimore, Maryland 21237

Mr. Melvin Jeffers, Vice President, RADAMERICA, Inc.
9105 Franklin Square Drive, Baltimore, Maryland 21237

Mr. Michael A. Duff, 1800 Mercantile Bank & Trust Building
2 Hopkins Plaza, Baltimore, Maryland 21201

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Case File No. 89-66-SPHA

VENABLE, BAETJER AND HOWARD

WASHINGTON, D.C. OFFICE
SUITE 500
1301 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004
(202) 638-4300

1800 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201
(301) 887-3000

VIRGINIA OFFICE
PLAZA SUITE THREE
4415 NORTH HENDERSON ROAD
ARLINGTON, VIRGINIA 22203
(703) 843-5000

SUITE 500
2000 CORPORATE RIDGE
MILLAN, VIRGINIA 22028
(703) 749-3500

WRITER'S DIRECT NUMBER IS
244-7761

January 9, 1989

HAND DELIVERED

Mr. J. Robert Haines, Zoning
Commissioner
Baltimore County Office of
Planning & Zoning
County Office Building - Room 113
Towson, Maryland 21204

Re: Petition for Special Hearing and Zoning
Variance - SE/S Franklin Square Drive, 220' NE of
Lenning Lane (9105 Franklin Square Drive) 14th
Election District - 6th Councilmanic District
Case No. 89-66-SPHA

ATTENTION: Ms. Charlotte Radcliffe

Dear Mr. Haines:

I am writing to formally request an appeal of the referenced zoning case on behalf of the Petitioner, RADAMERICA, Inc., and Whitesquare Limited Partnership. Our appeal is solely of Condition No. 3 of the December 8, 1988 Order rendered by Deputy Zoning Commissioner Ann M. Nastarowicz (a copy of that Order is attached). I enclose a check payable to Baltimore County in the amount of Ninety Dollars (\$90.00) to cover the filing fee for this appeal.

Very truly yours,

Michael A. Duff
Michael A. Duff

MAD:gbh
Enclosure
cc: Mr. Melvin L. Jeffers
Mr. Dan Dick
5809T

RECEIVED
1-9-89 (a-cw)
ZONING OFFICE

IN RE: PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE - SE/S
Franklin Square Drive, 220'
NE of Lenning Lane
(9105 Franklin Square Drive)
14th Election District
6th Councilmanic District
Franklin Square Hospital
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the variance to permit two signs totalling 46 sq.ft. in lieu of the one sign of 8 sq.ft. total, attached to the building, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Michael A. Duff, Esquire, appeared and testified. Also appearing on behalf of the Petition was Melvin L. Jeffers, Vice President of RADAMERICA, Inc., a tenant. There were no Protestants.

Testimony indicated that the subject property, known as 9105 Franklin Square Drive, is the site of the White Square Office Building. Previously, the White Square Limited Partnership and Gernar Properties Limited, the then owner of the property, filed a Petition for Zoning Variance, Case No. 87-176-A, requesting permission to place a freestanding, illuminated sign of 29.2 sq.ft. in lieu of the permitted 8 sq.ft. sign attached to the building. Said sign was granted by the then Deputy Zoning Commissioner, Joan M. H. Jung, on November 17, 1986, conditioned upon the removal of all other freestanding signs or signs on the building, including the sign identifying the "Radiation Oncology Center" sign which is the subject matter of this proceeding. Petitioner was advised that all other

signs were to be removed within thirty (30) days of the date of the Order unless proof that prior permits were issued could be provided.

Petitioner has not been able to produce any permits for the aforementioned sign and have therefore requested the instant variance. Mr. Jeffers indicated the importance of having the radiation oncology center sign, which consists of 8" illuminated letters mounted on a brick wall, to provide adequate notice to visitors of the center. Mr. Jeffers testified that greater than 56% of the people visiting the site are over 65 years of age. He further testified that the patients visiting the center are generally very infirm and weak. The White Square Professional Building is a large structure with multiple entrances. Mr. Jeffers argued that as much notification as possible to visitors of the center was necessary to prevent them from parking long distances away from the center and coming in the wrong entrance. To support Petitioner's request, a picture of the subject building and the proposed sign was introduced by Mr. Jeffers and is identified herein as Petitioner's Exhibit 2. Testimony further indicated that Mr. Jeffers was not aware that the previous Order required the removal of the existing radiation oncology center sign.

Petitioner requested a variance for two signs totalling 46 sq.ft. to be used as follows: 16.7 sq.ft. for "Radiology Oncology Center;" an existing sign of 29.2 sq.ft., of which 100" x 30" will identify "9105 White Square Professional Building" and 40" x 30" will identify "Kaiser Permanente." Petitioner presented no testimony as to the need for the existing 29.2 sq.ft. sign to remain the same size. To insure the spirit and intent of the B.C.Z.R. are met, Petitioner's request shall be modified as set forth below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that the proposed sign, which consists of not greater than 16.7 sq.ft., is necessary. To deny the relief requested for the radiation oncology center sign would result in practical difficulty or unreasonable hardship to visitors to the center. Further, the granting of this request would not result in any detriment to the health, safety and general welfare of the community in which it serves, and in fact, would be to their benefit. However, the issue in this matter further involves the existing 29.2 sq.ft. sign. Petitioner was fully aware that the granting of that sign in Case No. 87-176-A was contingent upon the removal of all other signs on the building. Petitioner requested to remove the existing sign without removing the existing signs or requesting a modification of the relief granted. In the opinion of the Deputy Zoning Commissioner the

-3-

modification of Petitioner's request in this instance as hereinafter set forth is appropriate.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of December, 1988 that the Petition for Special Hearing to approve the removal of Restriction No. 3 in previous Case No. 87-176-A is granted. The existing 29.2 sq.ft. sign was granted, and the Petition for Zoning Variance to permit two signs totalling 36.7 sq.ft. in lieu of the one sign of 8 sq.ft. total, attached to the building, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for its sign permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) One of the signs granted herein is specifically limited to the existing sign attached to the building, totalling 16.7 sq.ft., with the lettering "Radiology Oncology Center."
- 3) Within 120 days of the date of this Order, the existing 29.2 sq.ft. sign shall be reduced to a maximum of 20 sq.ft. total, of which 40" x 30" shall contain the lettering "Kaiser Permanente" and the remaining square footage shall contain only the lettering "2105 White Square Professional Building."
- 4) Prior to the installation of the new 20 sq.ft. sign, a sign drawing shall be submitted to the Deputy Zoning Commissioner for approval.

-4-

5) Petitioner shall comply with Restrictions Nos. 1 and 2 of the Order issued November 17, 1986 which provide the following:

- a) The 30" x 40" sign shall be removed when either Kaiser Permanente or any other HMO no longer occupy the space leased.
- b) Illumination of all signs shall be extinguished by 9:00 PM.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 2, 1989

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SE/S Franklin Square Drive, 220' NE of Lennings Lane
(9105 Franklin Square Drive)
14th Election District, 6th Councilmanic District
FRANKLIN SQUARE HOSPITAL - Petitioner
Case No. 89-66-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case (Zoning Variance only) was filed in this office on January 9, 1989 by Michael A. Duff, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. Michael Merson, President & CEO, Franklin Square Hospital
9000 Franklin Square Drive, Baltimore, Maryland 21237

Mr. Melvin Jeffers, Vice President, RADAMERICA, Inc.
9105 Franklin Square Drive, Baltimore, Maryland 21237

Mr. Michael A. Duff, 1800 Mercantile Bank & Trust Building
2 Hopkins Plaza, Baltimore, Maryland 21201

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Case File No. 89-66-SPHA

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

WASHINGTON, D.C. OFFICE
SUITE 800
1501 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004
(202) 638-3300

1800 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201
(301) 844-7761

VERMONT OFFICE
PLAZA SUITE THREE
444 NORTH HENDERSON ROAD
ARLINGTON, VIRGINIA 22203
(703) 843-5000

SUITE 800
2000 CORPORATE RIDGE
MCLEAN, VIRGINIA 22102
(703) 749-3500

WRITER'S DIRECT NUMBER IS
244-7761

January 9, 1989

HAND DELIVERED

Mr. J. Robert Haines, Zoning
Commissioner
Baltimore County Office of
Planning & Zoning
County Office Building - Room 113
Towson, Maryland 21204

Re: Petition for Special Hearing and Zoning
Variance - SE/S Franklin Square Drive, 220' NE of
Lennings Lane (9105 Franklin Square Drive) 14th
Election District - 6th Councilmanic District
Case No. 89-66-SPHA

ATTENTION: Ms. Charlotte Radcliffe

Dear Mr. Haines:

I am writing to formally request an appeal of the referenced zoning case on behalf of the Petitioners. Our appeal is solely of Condition No. 3 of the December 8, 1988 Order rendered by Deputy Zoning Commissioner Ann M. Nastarowicz (a copy of that Order is attached). I enclose a check payable to Baltimore County in the amount of Ninety Dollars (\$90.00) to cover the filing fee for this appeal.

Very truly yours,

Michael A. Duff
Michael A. Duff

MAD:gbh

Enclosure

cc: Mr. Melvin L. Jeffers

Mr. Dan Dick

5809T

RECEIVED
1-9-89 (A.E.-aw)
ZONING OFFICE

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315

111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

(301) 887-3180

July 18, 1989

Michael A. Duff, Esquire
1800 Mercantile Bank & Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201

Re: Case No. 89-66-SPHA
Franklin Square Hospital

Dear Mr. Duff:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals regarding the subject matter.

Sincerely,

Linda Lee M. Kuszmarski
Linda Lee M. Kuszmarski
Legal Secretary

Enclosure

cc: People's Counsel for Baltimore County

Mr. Melvin Jeffers

Mr. Michael Merson

P. David Fields

Pat Keller

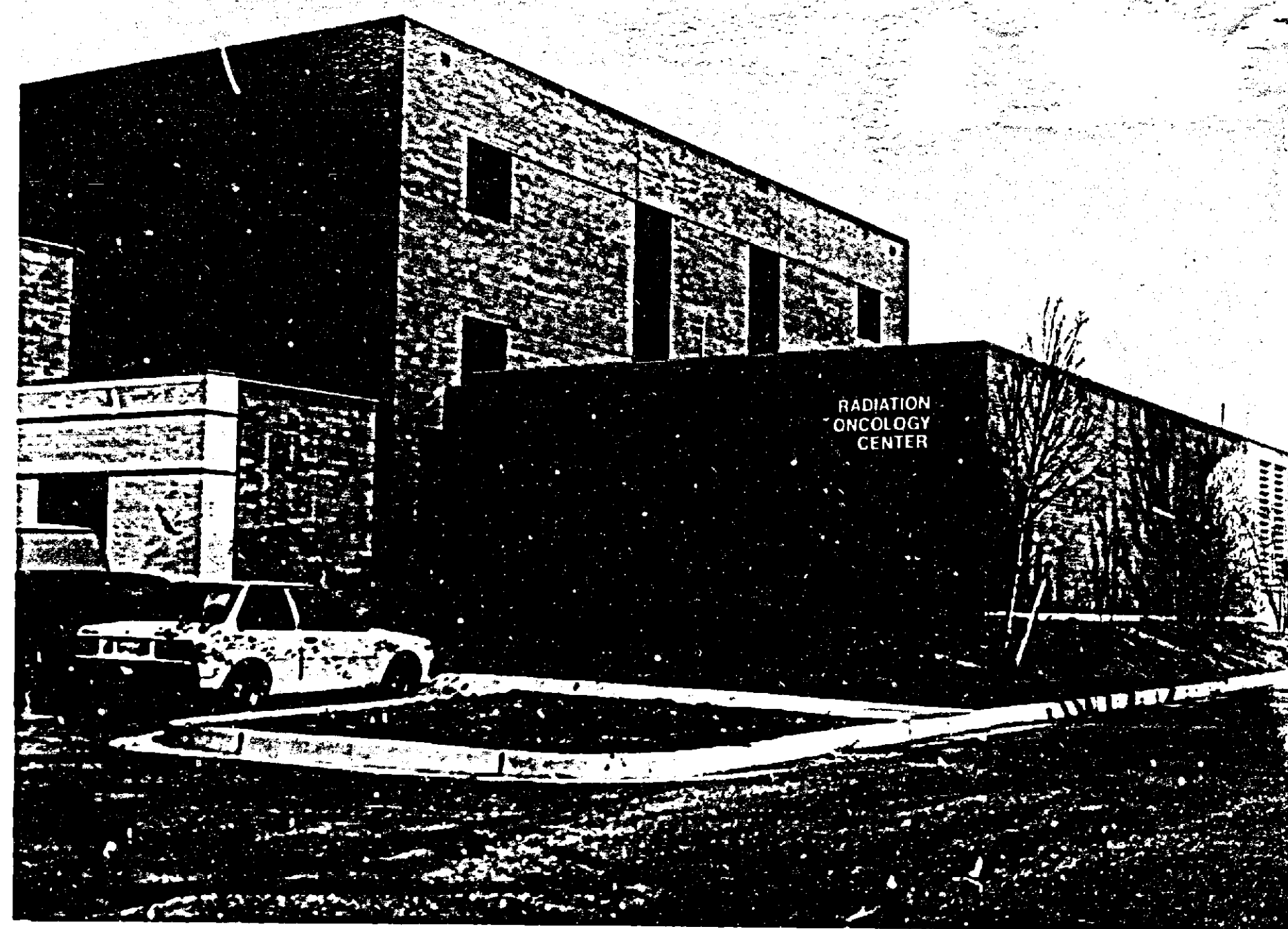
J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

Docket Clerk

Arnold Jablon, County Attorney



PETITIONER(S) EXHIBIT (4)



89-66-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
29th day of June 1988.

Franklin Square Hospital/
Legal Owner
White Square Ltd. Partnership/Lessee
Petitioner's Attorney
Michael A. Duff

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 1, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Michael A. Duff, Esquire
Venable, Baetjer and Howard
2 Hopkins Plaza
Baltimore, Maryland 21201

RE: Item No. 447 - Case No. 89-66-SPHA
Petitioner: Franklin Square Hospital/Legal Owner
White Square Ltd. Partnership/Lessee
Petition for Zoning Variance and Special Hearing

Dear Mr. Duff:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer/dt
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

cc: Deft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21204

BELSINGER SIGN WORKS, INCORPORATED

1300 BAYARD ST. BALTIMORE, MD. 21230

BALTIMORE 301 837-7700
WASHINGTON 202 621-4444

QUOTATION

March 28, 1985

Whiting Turner Contracting Co.
300 E. Joppa Rd.
Towson, MD 21204

Attn: Mr. Clinton Curby

Re: WHITE SQUARE PROFESSIONAL BLDG.

We propose to furnish and install one set of individual non-illuminated letters for the above referenced project as per our print.

Signage will consist of 8" Helvetica cast aluminum letters with a white baked enamel finish with copy reading as shown.

Letters will be installed on brick wall projecting 1/4" from facade.

The price for this work will be . . \$1435.00 plus sales tax and permits.

One third deposit required with signed contract, balance due upon completion.

We are covered by the necessary property damage and liability insurance to the extent of \$500,000 with an umbrella of \$500,000 also compensation insurance.

Price will remain firm for 60 days from today.

PETITIONER'S
EXHIBIT 5

A LATE PAYMENT CHARGE WILL BE PAID BY CUSTOMER COMPUTED AT THE RATE OF 2% PER MONTH OR THE MAXIMUM RATE PERMITTED BY APPLICABLE LAW, WHICHEVER IS LESS, FOR THE UNPAID AMOUNT FOR EACH CALENDAR MONTH (OR FRACTION THEREOF) THAT SUCH PAYMENT IS IN DEFAULT.

PRICE \$88 ABOVE PLUS SALES TAX AND PERMITS IF APPLICABLE

1. The Company shall not be responsible for the repair or replacement of any sign, or any portion thereof, which is damaged by fire, theft, vandalism, or any other cause not under the control of the Company. The Company shall not be responsible for the repair or replacement of any sign, or any portion thereof, which is damaged by fire, theft, vandalism, or any other cause not under the control of the Company. The Company shall not be responsible for the repair or replacement of any sign, or any portion thereof, which is damaged by fire, theft, vandalism, or any other cause not under the control of the Company.

NAME _____
BY _____
DATE ACCEPTED _____

BELSINGER SIGN WORKS, INC.
Wayne L. Beltsinger

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3534

July 18, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

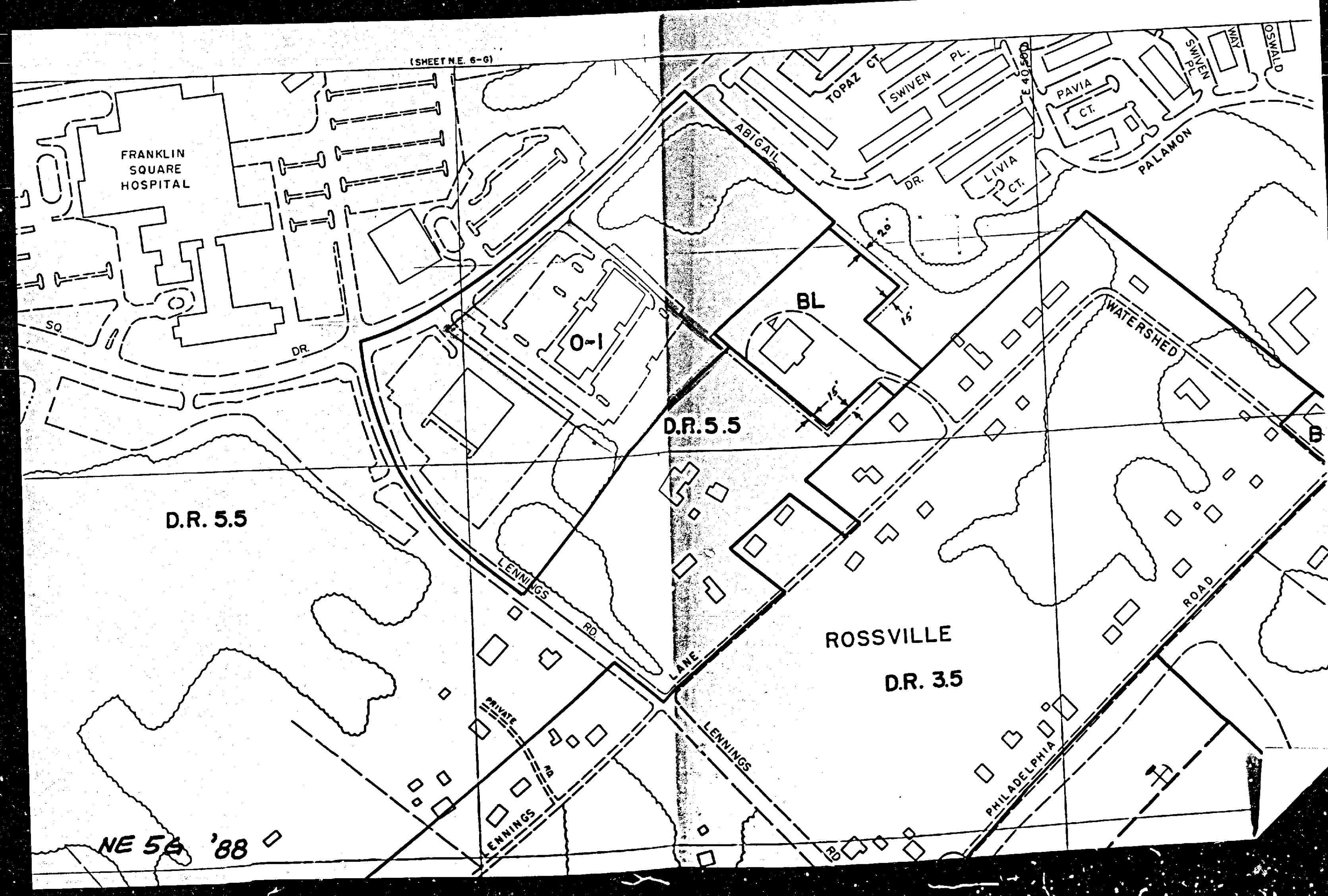
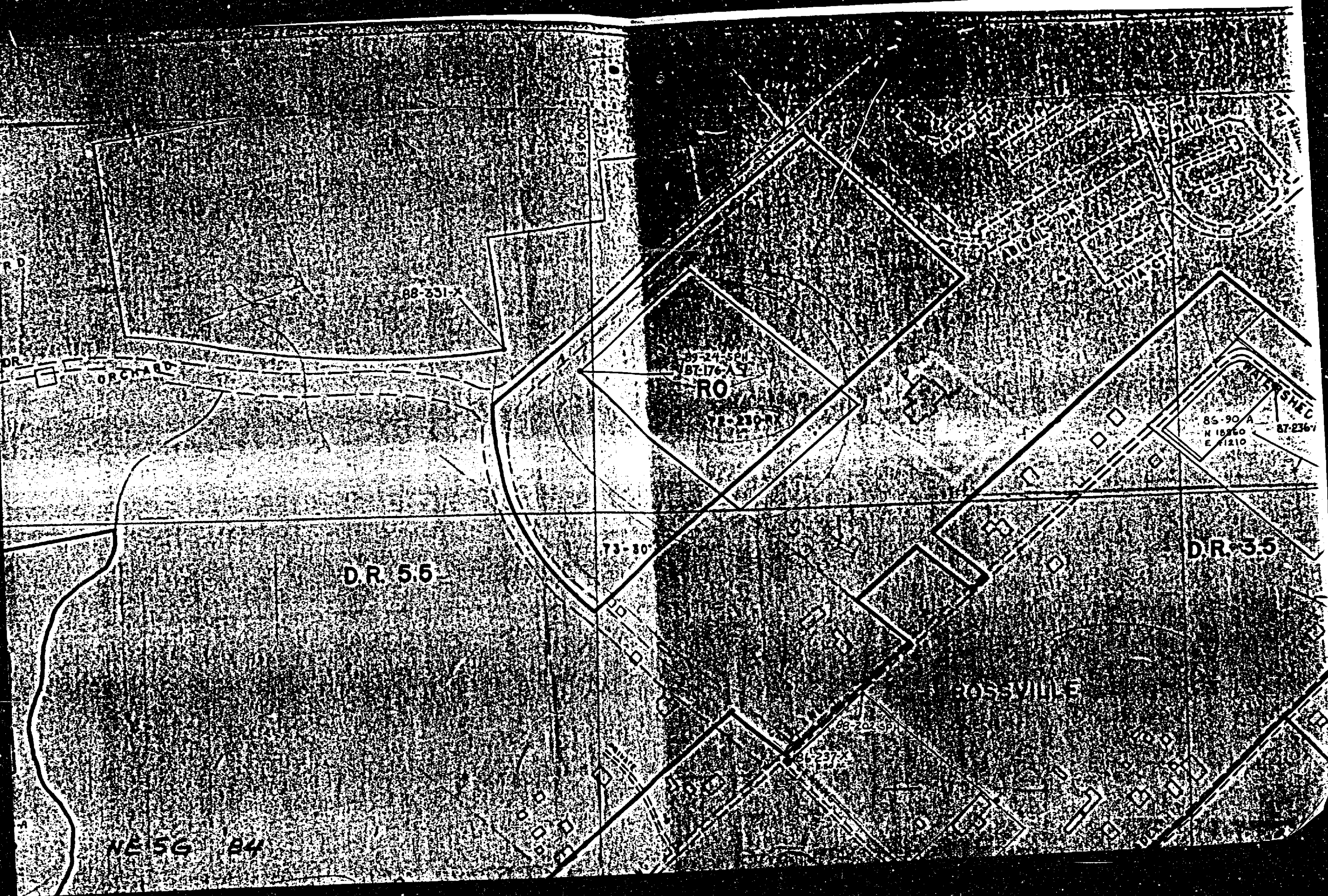
Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 391, 413, 438, 439, 442, 443, 444, 446, 448, 450, 451, 452, 453, 454, 455, 456, and 457.

Very truly yours,

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEM/RF/cps



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2/21/68	Adjust Comments of Young staff
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